

The Washington Board

Informing Professional Engineers and Professional Land Surveyors of the events and developments that affect their professions



Journal

Number 31 • Spring 2003

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Message from the Chair

By Hal E. Williamson, P.E.

OUR LICENSEES RESPOND

The response the Board received from its requests for input in the last issue of the Journal was both appreciated and gratifying. The number and quality of responses reflected an interested, active, and involved community of professionals. The diversity of opinions was substantial and generally defies simple summarization. A recent count showed 68 responses to date with over 60% regarding public sector PE stamping issues, about 20% on the use of engineering titles, about 15% on the future of Forest Engineering, and one response on the Engineering Licensure Qualification Task Force activities. The responses have been compiled into loose-leaf notebooks and distributed to each board member. They will be a valuable resource for guidance, as the Board, through its major committees, ponders what actions seem appropriate for improvement. The public sector PE stamping issues and the use of engineering titles have been assigned to the Board's Practice Committee and the issues on Forest Engineering assigned to the Board's Examination/Qualification Committee. Any recommended changes to our rules and regulations will be subject to public notice and hearing prior to implementation. Many of the communications, particularly on the use of engineering titles, asked a variety of questions that need individual responses. All of those who provided opinions and included questions will get a response.

I will briefly share a few obvious indications apparent in the responses received. A dominant majority of those responding on the future of forest engineering suggested that the Forest Engineering examination should be continued. A substantial majority of responses on the public sector PE stamping issue said that some public sector PE work should be stamped, and a dominant majority of those thought that there should be more precise identification of such. On this topic we received a highly constructive suggestion for changes in rules language.

WHAT THE COURTS SAY

Court rulings are important in validating and guiding the Board's applications and interpretations of the registration laws and rules. Two significant cases were decided in favor of board decisions this past year. An appellate case here in Washington, concluded in late 2002, is discussed in another article in this Journal issue. The other was a decision by the Iowa Supreme Court in spring 2002. The Iowa Supreme Court affirmed the decision of the Iowa Engineering and Land Surveying Examining Board in denying comity licensure to an applicant licensed as a charter engineer in the United Kingdom. That Court upheld the Iowa Board's decisions that the examination the applicant took in the United Kingdom was not equivalent to the Principles and Practice of Engineering exam required in Iowa and that experience could not be substituted for the examination requirement. The Court commented that the Iowa Board had been "entrusted" by the legislature to determine the requirements for licensure and declined to "second-guess the Board's determination." The Iowa Supreme Court's decision can be found in its archives at <http://www.judicial.state.ia.us/supreme/opinions/archive.asp>,

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If you, or someone you know, would like to receive a copy of this publication, please contact the Board of Registration for Professional Engineers and Land Surveyors.

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Carol Fleskes Completes Her Service To The Board

By: George A. Twiss, PS, Executive Director

This July, Carol Fleskes, PE will complete her second consecutive term as a member of the Board. First appointed by Governor Booth Gardner in 1993 and reappointed by Governor Gary Locke in 1998, Carol was the first woman to serve as a member of the Washington Board since its formation in 1947.

During her terms of service Carol served twice as Board chair, has been a standing member of the Land Surveying committee, and has chaired both the Exam/Qualification committee and the Practice committee. Her years as an experienced public administrator in the Department of Ecology served her and the board well during this time. She brought to her board duties a solid understanding of public agency administration, state budgeting, rule development, stakeholder communications, regulatory processes and administrative procedures. Add to that the fact that Carol is very skilled as an engineer and usually approached her decisions with a common sense approach. She was always seen as “one to count on” when a tough issue was under consideration.

On a personal note, I felt Carol had an exceptional ability to balance the needs of the “licensing” work of the board with the effectiveness of “complaint” processing. She has insight to anticipate what will happen or to ask “why” at the appropriate time. While in my transition from Investigations manager to the duties as Executive Director in 1997, her suggestions and opinions were very helpful toward improving my understanding of public administration. I consider her a friend and a member of the board whose influence will exist for many years to come.

Board Prevails In Ruling From Court Of Appeals

James F. Nims, Appellant v. Washington Board of Registration et al, Respondents

In an August 2002 ruling from the Washington Court of Appeals, Division II, the court affirmed the Board’s (state) position on a number of arguments that

were raised by James F. Nims, PE. The appeal brought by Mr. Nims was based upon the results of a Board hearing and final order from July 2000. In that order Mr. Nims was found to have acted incompetently or negligently in his practice in designing many on-site wastewater treatment systems in Lewis County. The Board revoked his license to practice as a professional engineer and required certain conditions be satisfied before he could obtain a new license.

In his appeal of the order Mr. Nims cited the following issues to challenge the Board’s action:

- A. Whether, when Mr. Nims chose not to renew his license, the Board lost jurisdiction of the disciplinary proceeding;
- B. Whether the Board can discipline for reasons in RCW 18.43.105, misconduct and malpractice, defined;
- C. Whether the statute of limitations or collateral estoppel precluded the Board from considering certain charges;
- D. Whether the Department (Board) properly supported its charges with sworn complaints; and,
- E. Whether the Board properly notified Mr. Nims of the charges against him.

On each of these issues the court found in favor of the Board. Summaries of the court’s opinion are paraphrased here for space considerations.

- A. At the time the Statement of Charges were filed and then when those charges were amended, Mr. Nims was a registrant with a current license. Even though he subsequently did not renew his license, Mr. Nims remained a “registrant” as set forth in chapter 18.43 RCW and chapter 196-27 WAC. The court says, “...we hold that once a professional disciplinary tribunal lawfully acquires jurisdiction over a proceeding, its jurisdiction continues until the proceeding is concluded.”
- B. RCW 18.43.105 is the section titled, “Misconduct and Malpractice in engineering – defined”. Mr. Nims asserted that the provisions of that section apply only to corporations and the charges against him based upon citations from that section were invalid and should have been dismissed based upon

a statutory construction argument. The court did not accept Mr. Nims's argument and rejected that claim as being, "...wholly without merit."

C. Mr. Nims argued that a two-year statute of limitations applies to the Board proceeding, or in the alternative, the Board was barred from addressing any charge "based upon conduct that was discovered by the Board more than two years before the charges were filed." The courts have uniformly held that statutes of limitation do not apply in disciplinary proceedings based upon a Washington Supreme Court ruling of some years ago. "None of the charges against Mr. Nims were subject to a two-year statute of limitations."

D. Mr. Nims claimed that the Department (Board) could not entertain charges based on the sworn complaint of an employee of the Department of Licensing. It was his contention that a complaint must come from a private citizen and the one complaint that was signed by a department employee must be dismissed. The court said, "Based on the plain terms in law (chapter 18.43 RCW), we hold that any person including an employee of the Department of Licensing may prefer and swear to the required written complaint."

E. Mr. Nims claimed that the Board failed to "immediately inform" him of the charges against him. He relies upon RCW 18.43.110, which provides in part that, "...a registrant against whom a complaint was made must be immediately informed of such complaint..." Since Mr. Nims was informed of the complaints within approximately 7 days of their filing with the Board the court found that he was "immediately informed" within the meaning of RCW 18.43.110.

Notwithstanding the above rulings in favor of the Board, the court did remand the matter back to the Board to reconsider the evidence based upon a "clear and convincing" standard instead of "preponderance." It has long been the board's standard in disciplinary matters to judge the facts based upon a "preponderance" of the evidence. The ruling by the Court of Appeals was based upon other Washington court cases that indicated that the burden of proof for a regulatory board to remove a license should be based upon not only the amount of training and time to obtain the license but the impact upon the public for incompetent practice. The court found that on these points professional engineers

were at the similar level as physicians and the higher standard should apply. In remanding the matter back to the Board the court specifically noted that the Board did not need to rehear the evidence or take the testimony again, but merely had to review the existing hearing record against the new standard and render a new order.

Note Changes To The Board's Address

With the start of the new year the Board has been assigned two new mailing addresses. Replacing the old "P.O. Box 9649" are now two new box numbers. They are:

PO Box 9025

For all written communications that do not include a remittance such as: application materials that do not have a check attached, complaint letters and general correspondence.

PO Box 9048

For all mail that includes remittance such as: application forms with fee payments included, renewals and fines.

The old box number remains active within the department and mail sent to that address will be delivered to the Board but it may be delayed.



Stamping and Direct Supervision

Question: *Yesterday I was shown a set of engineering plans that were signed and sealed by another professional engineer (PE) that I know. The PE did not prepare the design or directly supervise the development of the project. All the PE did was review the work of an unlicensed friend and sign and seal the project. This is not a new problem as I have spoken to the PE about this practice several times over the last year. He said that this practice is okay because the individual doing the work is very competent. My reading of the board laws seems to suggest otherwise, right?*

Answer: YES. Your colleague is engaged in conduct that will likely result in disciplinary action against not only himself but also against the person who performed the design. First, the licensee is involved in at least two very serious infractions; stamping a plan that was not prepared under their direct supervision and; aiding and abetting the unlicensed person to practice engineering. If charged by the board the PE could be subjected to any of the following penalties: Revocation, suspension, restriction or limitation of practice, satisfactory completion of...remedial education, monitoring of their practice...by the Board, censure / reprimand, probation for a designated period of time, payment of a fine ... up to five-thousand dollars per violation, denial of a license renewal, reimbursement of investigative costs or other corrective action. In regard to the person whose work is being stamped by the PE, they are subject to any of the following: A cease and desist order from the Board including financial penalties up to \$1,000 per day for the duration the conduct continued, a suit by the Board for injunctive relief with possible court ordered monetary penalties or criminal charges brought by the county prosecutor.

Two Engineers on one project.

Question: *I am a PE who has been hired to be the engineer of record for construction of a design that was completed 5 years ago. I have a set of the completed plans and an electronic version that are in complete agreement with the hard copy. The client has contacted my firm because the original design engineer has passed away and the client is now ready to proceed with the project. My preliminary study of the plans showed they were very well developed and complete but they were never submitted for review by the local building department. The Building Department is insisting that I submit a clean set of plans (from the electronic record) with only my seal and signature. Is this something I can do?*

Answer: As the Board has stated on many occasions, it is not acceptable for a PE to stamp a plan that was not prepared by them or under their direct supervision. The primary purposes of that regulation were to guard against the preparation and

distribution of designs that appeared to be the product of an engineer's effort but were not. Your situation is different in a couple of key respects. First, a qualified professional competently performed the original design, and second, you were hired to execute the existing design through the construction phase. As we see it there is no reason for the building department to ask for plans containing your seal. The original plans should be sufficient and can be submitted even with the deceased PE stamp. However, it is important for you and/or your client to inform the department staff of the situation so they know and understand your role on the project.

Revisions to plans prepared by others.

Question: *In regard to the above-discussed situation, how do I handle any needed revisions that are required following the plan review or changes during construction?*

Answer: Given that you have the electronic version you could work with the building department to revise and submit new plan pages as it becomes necessary. The new pages should, at a minimum, contain your seal, signature and date as well as sufficient detail (graphic or narrative) that show clearly the design changes for which you were directly responsible.

(Note: The discussion in the above two questions can be applied to any situation where the design is complete but the original licensee is not available to participate in the construction of the design)

Aiding and abetting unlicensed practice – land surveying

Question: *I own a small surveying firm and have several pieces of equipment that I consider as surplus. I don't intend to sell the items but from time to time I have an unlicensed acquaintance ask to borrow a tripod, theodolite and chain. He said he is working on his "own stuff". Recently, after loaning out the equipment I happened to observe this acquaintance doing a survey (it looked like it anyway) in the neighborhood where I live. To my dismay I discovered he was doing surveys on the sly by referrals from a local builder.*

I confronted him and no longer allow him to use my equipment. When I asked him about doing surveys he claimed the one I observed was the only one he had done because it was for a friend of his and he only set wood stakes. I don't trust this statement and I fear that he has done many similar projects of this type over the months my equipment was being used. Does this situation expose me to charges for aiding and abetting unlicensed practice?

Answer: The use of surveying equipment, in and of itself, is NOT the practice of land surveying, so if this person was just doing his “own stuff” and needed the equipment for purposes on his own property it is probably OK. Obviously, the boundary work he was discovered doing, regardless of rationale, is illegal and subject to criminal penalties. Your level of responsibility, whether it is to the Board or to a court as a witness in a civil or criminal proceeding, would depend upon whether you knew or should have known what he was doing with your equipment. It is possible you could be asked to answer some very tough questions on your role in this situation.

On-site Practice Permits holders.

Question: *I have an On-Site Designers Practice Permit that expires on June 30, 2003. I have not yet applied to take the test, and I understand that the next available test is not until after all Practice Permits expire. Can I have an Engineer or other Designer stamp my designs until I pass the examination and get my own stamp?*

Answer: After June 30th your privilege to provide on-site system designs will end. After that date the only way you can continue to work in this field is to become employed with a Licensed Designer or Professional Engineer. That person would need to exercise direct supervision over the design work, and must maintain control over those decisions that are the basis for the findings, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of all the related design work.

UNDER NO CIRCUMSTANCES CAN YOU CONDUCT BUSINESS AS AN INDEPENDENT CONTRACTOR / CONSULTANT UNTIL YOU HAVE OBTAINED THE STATE ISSUED DESIGNER LICENSE.

Question: *If I can't have someone else stamp my designs what do I do with my design projects that are not yet completed or approved before my Practice Permit expires?*

Answer: All Practice Permit holders should be aware of the approaching expiration date and refrain from taking on any design work that cannot be fully completed before the end of June. In the event that some design work remains after June 30th it is the responsibility of the permit holder to secure design services from a professional engineer or licensed designer to complete the project.

Individual permit holders who continue to contract for services knowing there is no chance for the design to be approved before the expiration date are being dishonest to their clients, local health officials and this board. Dishonesty / misrepresentation are grounds for disciplinary action and, while you may see no risk since the Practice Permit will expire regardless of your actions, your future ability to obtain a designers license may be impacted if your behavior under the Practice Permit is seen as unprofessional conduct under chapter 18.210 & 18.235 RCW.

Review of designs submitted by permit holders.

Question: *After June 30, 2003 is a local health official required to refuse acceptance of an on-site design that was prepared by someone who does not hold a license to practice as an on-site designer?*

Answer: Yes. Current Board of Health rules, WAC 246-272-11501 (1), states in part... “*The local health officer shall require that on-site sewage systems be designed only by engineers or qualified designers...*” Qualified Designers are those licensed by the Board of Engineers under chapter 18.210 RCW or similarly skilled professional engineers under chapter 18.43 RCW. A local health official that knowingly accepts the work from an individual who is not lawfully authorized to perform the design would be aiding and abetting unlicensed practice.

NCEES To Distribute Paks On Surveying

In May 2003, the NCEES will distribute over 5,000 questionnaires as part of a land surveying Professional Activities and Knowledge Survey (PAKS). The questionnaire asks recipients to rate the importance of statements describing tasks and knowledge required of a newly licensed land surveyor. Those who complete the survey will also have the opportunity to recommend examinations content. A special NCEES committee will use the survey results to develop new specifications for the content of the Fundamentals and the Principles and Practice of Land Surveying examinations. The examinations with updated content are scheduled to be administered in April 2005. Only 10 percent of licensed land surveyors in the United States will receive the questionnaire. It is essential to the validity of this study that as many questionnaires as possible are completed and returned by those who received them.

The year's PAKS comes at a crucial time. At the August 2003 NCEES Annual Meeting, the delegate body is expected to approve modifications to the Model Law for Surveying. The changes will result in a Model Law that includes the practice of photogrammetry and the use of Geographical Information Systems as tools to perform professional services that are included in the definition of land surveying. As a result, NCEES will invite individuals such as Photogrammetrists and GIS specialists as well as licensed surveyors to participate in this PAKS. Their input will play an important role in the future of surveying licensure examinations for the next 5-7 years. Full participation from all parties is needed to obtain a complete articulation of the important tasks and knowledge of surveying under the proposed new definition of surveying.

The PAKS is an essential part of updating the Fundamentals and the Principles and Practice of Land Surveying Examinations. The PAKS enables NCEES volunteers working on land surveying examinations to have information on the important continuing and emerging knowledge needed in modern practice. NCEES uses rosters provided by its member licensing boards and the American Congress on Surveying and Mapping to solicit participation from a cross-section of

professionals across the United States, aiming for diversity in geography, practice, age, gender and ethnicity.

If you are selected to participate in this survey the Board urges you take advantage of this opportunity to share your thoughts and opinions about the surveying profession. Your time will be well spent.

Upcoming Board Vacancy

This summer will mark the end of the board career of Carol Fleskes, PE. Elsewhere in this edition of the Journal you will find an article that chronicles Carol's contributions to the Board and the professions of engineering and land surveying in Washington.

With this pending change Governor Gary Locke will be asked to make an appointment to the Board of Registration to replace Ms. Fleskes. Interested candidates for this upcoming vacancy need to meet the following criteria:

- Hold a valid registration as a Professional Engineer in Washington.
- Be a citizen of the United States.
- Be a resident of the state of Washington for at least five years immediately prior to appointment.
- Have been in active practice as a professional engineer for at least 10 years, five of which must be immediately prior to appointment.

Ms. Fleskes is licensed in civil engineering and it is that area of discipline that is being recommended by the Board for filling this position. However, the position is open to anyone who meets the above criteria regardless of branch of licensing. If you are interested in applying for the position or have any questions about the work board members perform please contact George A. Twiss, Executive Director, gtwiss@dol.wa.gov or fax: 360-664-2551.

You may also apply directly to the office of the Governor, Boards and Commission Appointments, State of Washington, P.O. Box 40002, Olympia, Washington, 98504-0002. If contacting the Governor's office be sure to identify yourself as an applicant for appointment to the Board of Registration for Professional Engineers and Land Surveyors.



ATTENTION APPLICANTS !!!

Changes In The Near Future.

With the new arrangement for administering examinations between the Board and the National Council of Examiners for Engineering and Surveying (NCEES), the process and fees to register / schedule for a future examination is changing. Whether you were approved for examination some time ago or are a new applicant preparing for your first examination, these changes will impact you.

- First, for applicants approved in the past it has always been the policy of the Board to enable an approved applicant to postpone the scheduled examination to a later date if circumstances affected their ability to attend on the scheduled date. For years the Board would allow this at no additional cost to the applicant PROVIDED the Board office was notified, in writing more than 6 weeks before the examination date that they could not attend.

With the October 2003 administration the policy of allowing postponement without additional fee will end. Candidates who fail the October 2003 or earlier examinations and wish to be scheduled for the April 2004 or later exam administration will be required to pay the Board's retake fee in Chapter 196-26A WAC. Those fees, as applied toward NCEES exams, are:

Engineer-in-Training	(FE)	\$20
Land Surveyor-in-Training	(FLS)	\$20
Professional Engineer	(PE)	\$30
Professional Land Surveyor	(PLS)	\$30

- Second, as some of you have discovered, the registration process to be scheduled to sit for an NCEES examination is now a two-step process. If you are an approved applicant and have received written notice from the Board that you are eligible to sit for an examination, you **MUST** then register with NCEES. Information on how to register can be obtained from their website www.ncees.org or calling (800) 250-3196 (m-f, 7:30-5:30 e.s.t.). For those that are postponing to a future examination, the noted fee must be paid to the Board **IN ADDITION** to the fees charged by NCEES.

For additional clarification the following tables are shown to detail the deadlines. The time periods expressed below are "before" the scheduled exam administration date.

PREVIOUS BOARD APPLICATION AND EXAMINATION DEADLINES

Original Applications to the board	<i>4 months</i>
Retake of examination, request submitted to the board	<i>3 months</i>
Withdrawal from examination w/o forfeiture of fees	<i>6 weeks</i>

NEW APPLICATION AND EXAMINATION DEADLINES (NCEES)

Original Applications to the board	<i>4 months</i>
Retake of examination, request submitted to the board	<i>3 months</i>
Last chance to register for exam admittance with NCEES	<i>8 weeks</i>
Withdrawal from examination w/o forfeiture of Board or NCEES fees	<i>8 weeks</i>

The Problems With As Builts

It is probably safe to say that most licensees have had some experience in creating and/or using "record drawings" most commonly referred to as "**as builts.**" Usually associated with construction projects, the "as built" drawings are intended to compile and document reliable information on the installed location of systems, utilities and components.

The Board has received questions from practitioners as well as regulators on "as builts." From the consultants we hear that the content requirements by the local agency are unclear. Local agency ordinance or regulation may set forth the requirement to prepare an "as built" but rarely provides enough guidance or instruction, so the consultant is left to make their own interpretation of content and accuracy. Sometimes this may be OK but if a dispute arises "finger-pointing" may slow-down the resolution process. Conversely, from local agencies we hear that consultants do sloppy work by claiming that a plan is "as built" when the plan is actually a copy of the original design and no changes are noted even when it is known that changes have occurred, or that the positions shown for underground features are only, at best, an approximation and actual positional accuracy is unknown.

Since we only hear when a problem is found can we safely assume that the projects we do not hear about have all these issues worked out? Probably not. However, our experience shows that any differences of opinion on the final “as built” are usually resolved in a professional manner with no need for the Board to intervene. What then remains are those examples where the quality of the “as built” only vaguely depicts as-constructed conditions or worse.

The best fix for the problems seems simple. First, pre-construction discussions between the consultant and the local agency should cover what information and accuracy is required for the “as built” record. For instance, if a sewer improvement is the project, does the horizontal location of the manhole need to be shown? Does the invert elevation of all intersecting lines need to be measured and, if so, to what accuracy? For an on-site wastewater system, should an “as built” show both horizontal and vertical information and if so, to what accuracy? However, in the absence of such discussions perhaps an alternative is for the local agency to publish a list of criteria that reflects what it is expected.

Finally, it must be emphasized that all of this discussion has been directed to help identify where problems may surface and how to help well-intended individuals toward a practical solution. For those that willfully participate in a fraud by falsifying “as built” information, the Board will pursue the strongest possible sanctions. Remember, the seal and signature on an “as built” carries the same level of accountability as it does on the original design.

Signing And Stamping Of Documents

If you are a regular reader of the Board Journal you know that the Board spends a fair amount of effort to communicate to licensees the requirements that are in statute and rule on stamping requirements and direct supervision. The message from the Board has shown success evidenced by the fact that stamping or direct supervision violations are not as prevalent as they once were. The Board members felt the integrity and accountability of the professionals’ role in design preparations is the foundation of the public’s trust and confidence in the licensed professional.

Stamping issues are not unique to the state of Washington. Many other states deal with variations of those issues

based upon what that state’s law and rules specify. However, there are a number of states that specifically allow a PE to perform a review of another’s design (based on certain standards and performance criteria) and then stamp that document. This is, of course, NOT permitted in Washington under current law and rule.

Do you think the Washington position on this topic is out of step? Should this topic be revisited toward possible changes that would allow stamping of another professional’s plan? A change of this type is not a simple yes or no. It is also not a simple process. A change of this nature would first require enactment of a statutory amendment to chapter 18.43 RCW. Following that, the Board would then need to revise several rules and probably establish the standards and procedures that would need to be followed by the reviewing licensee.

This is a topic that is pertinent to all licensees and many have expressed opinions over the years. We would be interested in hearing how this sits with you and your understanding of professional responsibility and accountability. Is the current Board position working for you and others you know? Would a change along the lines mentioned above be an improvement?

Please be kind enough to send any opinions to George Twiss, Executive Director at: gtwiss@dol.wa.gov, or fax: 360-664-2551. The responses will be summarized and reported in our fall Journal.

Continued from page 2

Message from the Chair

listed as Ibrahim Al-Khattat v. Engineering and Land Surveying Examining Board of the State of Iowa.

CROSS-BORDER CREDENTIALS

In the spirit of the North American Free Trade Agreement (NAFTA) over the past several years the Board has engaged in informal discussions with representatives of neighboring Canadian Professional Engineering Associations on licensure mobility between Canadian Provinces and Washington. In February of this year representatives of four of the five Northwest states, including Washington, and three Canadian Provinces met in Seattle under the auspices of the Pacific Northwest Economic Region (PNWER) and the Canadian Consulate. PNWER is an organization established to encourage

Continues next page

trade and commerce between its participating member jurisdictions. This meeting was specifically arranged to discuss the different requirements for licensure among the jurisdictions and to what extent there may be equivalency for cross-border qualifications. The Board is planning to continue to meet under the auspices of PNWER semi-annually. The ball is rolling and we are interested in the thoughts of our licensed professionals and those of their associations. To express your opinions or to request more detailed information contact Rick Notestine, Licensing Director, or send an e-mail to rnotestine@dol.wa.gov.

SPREADING THE WORD

As a college student, I was fortunate to have some PE's on the faculty to spark my desire to be a professional engineer. As research becomes increasingly dominant at the universities, licensure by faculty is less likely to occur. As a result there is an increased need for professional engineers from all elements of industry and private practice to deliver the message of encouragement for students to pursue professional licensure. The Board wishes to reach more college students to acquaint them with the value of a license, the licensure process, and the benefits of starting the process while enrolled at the university. NCEES has produced an excellent speaker's kit designed to provide volunteer speakers all they need to make the case. How do we get opportunities to deliver the message and provide well informed guidance to our future practitioners? Please contact George Twiss, Executive Director, or send an e-mail to gtwiss@dol.wa.gov. with your suggestions.

MAINTAINING TRUST

Finally, I will remind you that significant changes to the laws and rules defining professional practice and conduct became effective this year. Please become acquainted with Chapter 18.235 RCW, "*Uniform Regulation of Business and Professions Act*", and Chapter 196-27A WAC, "*Rules of Professional Conduct*". Not only is compliance an individual responsibility, but also effective enforcement by the Board depends on your vigilance and willingness to report violations. We look forward to the benefits that these new regulations will provide toward protection of the public. Sustaining the trust of the public in our professions is largely in your hands.

On-Site Designer Licensing

New Advisory Committee Members Appointed

Department of Licensing Director Fred Stephens filled two vacancies on the On-Site Advisory Committee this last fall by appointing Richard Benson PE, Department of Health (DOH), and Michael Vinatieri, RS, Clark County Health Department to the committee. Both Mr. Benson and Mr. Vinatieri bring extensive industry experience to the committee and are anticipated to be valuable additions. In addition to their regular duties, Mr. Benson will serve as DOH Liaison for the committee and Mr. Vinatieri as Liaison to the Washington State Environmental Health Association.

On-Site Wastewater Treatment System Designer Licensing Examination

The Board administered the fourth licensing examination for on-site wastewater treatment system designers and inspectors on October 26, 2002. A total of 60 applicants were approved to take the October exam. The following is a breakdown of applicants and performance:

THE RESULTS

	Designers	Inspectors
Pass	30	10
Fail	15	4
No-Show	1	0
Total	46	14

Thanks To Outgoing Advisory Committee Members

The Board and On-Site Advisory Committee wish to thank Mr. David Jensen, PE, D.R. Strong Consulting Engineers, and Mr. Kenneth Mitchell, PE, Irrigation and Hydraulics Unlimited Consulting Engineers, for their service as members of the Advisory Committee. Their appointments expired in December 2002. Among the valuable contributions to the efforts of the committee were their work on examination development and the recently released draft of practice guidelines. The Committee, Board and the public of Washington benefited greatly from their participation.

Examinations

October 2002 Examination Results

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	421	300	71
Principles & Practice of Engineering			
Chemical	11	6	55
Civil	272	145	53
Control Systems	11	9	82
Electrical	39	21	54
Environmental	15	9	60
Fire Protection	6	3	50
Industrial	1	1	100
Manufacturing	2	2	100
Mechanical	76	52	68
Mining/Mineral	2	1	50
Nuclear	2	1	50
Structural II (am)	29	12	41
Structural II (pm)	30	12	40
Structural III	64	13	23.4
Forest	2	0	0
Fundamentals of Land Surveying (LSIT)	33	21	64
Principles & Practice of Land Surveying (NCEES)	19	10	52
Principles & Practice of Land Surveying (State)	54	9	17

Fall 2002 Surveying Examination Results Show Candidates Not Fully Prepared

By: Albert J. Hebrank, Jr., PLS

The results from the Fall 2002 land surveying examinations revealed that many candidates who sat for the examinations did not know or correctly understand the theory and practice principles included in many of the questions. The concerns of the land surveying committee of the Board are such that we felt it was necessary to remind licensees and applicants what they are expected to know in their profession.

ELIGIBILITY REQUIREMENTS

The licensing laws of this state require that candidates for licensure must:

1. Pass the fundamentals of land surveying examination (LSIT) (national, 8-hour);
2. Pass the principles and practice of land surveying examination (PLS) (national, 6-hour);
3. Pass the principles and practice of land surveying examination (PLS) (state, 2-hour)
4. Pass the law and ethics examination (state)

In order to qualify to take the PLS examinations and the law and ethics examination, a potential candidate must:

1. Have eight years experience (including education) in land surveying work;
2. Demonstrate that this experience includes:
 - a) Applying state, federal, and case law;
 - b) Exercising sound judgement when making independent decisions regarding complex boundary, topographic, control, and mapping issues;
 - c) Field identification and evaluation of boundary evidence, and the ability to use that evidence for boundary determination;
 - d) Conducting research;
 - e) Preparing and analyzing complex property descriptions;
 - f) Interacting with clients and the public.

These experiences must be confirmed by his PLS supervisor!

EXAMINATION FORMAT AND DEVELOPMENT PROCESS

The fundamentals of land surveying examination is a national academically oriented examination. The law and ethics examination is a locally produced take-home examination, which covers Washington law affecting surveyors. The principles and practice of land surveying examination, on the other hand, is a six-hour examination prepared by the National Council of Examiners for Engineering and Surveying, which allows for an additional two hours on state-specific topics which is prepared by each state. Inasmuch as the national exam must include two major systems of surveys, the colonial and the public lands, as well as other factors, which vary from state to state, it appears weak in certain areas to various state examining boards. When the

Washington Board decided to use this examination beginning in the Spring of 2000, after much discussion by the Board's Land Survey Examination Writing Committee, its Exam/ Qualification Committee, its Land Survey Committee, and, finally, the Board itself, that body decided that the emphasis of its state-specific exam should be placed on questions relating to Law, GLO surveying, Property Descriptions, Survey Principles, Aquatic Boundaries, and State Plane Coordinates.

The LS Exam Writing Committee, a group that was performing this service at the time that we were still writing our own exam in essay question format, writes the state portion of the land surveying exam. It is an experienced group of surveyors that put long hours of conscientious effort into exam preparation. After the exam is assembled, the test is taken by another very diligent group of professional land surveyors, who critique it for such concerns as: is it too difficult or too easy for minimally competent land surveyors? is there more than one or is there no correct answer for a particular problem?; is the question ambiguous?; is the question significant?; does it truly address the subject it is intended to address?; and similar concerns.

These concerns are then addressed by the LS Exam Writing Committee, which usually replaces or modifies the criticized problems although it has occasionally decided that a question that was in fact too easy embodied such an important concept that it must be asked. The exam is then ready to be administered to the candidates, from which the candidates' answer sheets are taken to the University of Washington for grading and statistical analysis. They are computer graded and each question is rated as to whether it has presented little, great, or medium difficulty to the candidates. Each question is rated for discrimination, and a bar chart is generated showing how many candidates picked each answer for each question. At this point the Board convenes a separate committee (Angoff) to rate each question as to "what percentage of minimally competent surveyors would get the question right." These numbers are averaged for each question, and the total for the exam should be very close to the cutoff score for the exam.

All of this information is then provided to the LS Exam Writing Committee who studies it very carefully and eventually recommends a cutoff score to the Land Survey Committee and the Exam/Qualification Committee, who again discusses it and makes a recommendation to the Board. On rare occasion, the Writing Committee has discovered a second conceivably correct answer to a question and rescored it based on two correct alternative answers.

EXAMINATION PERFORMANCE

Prior to the October examination, there had been five administrations of the state specific 2-hour portion. The Angoff ratings for each of these examinations were .68, .68, .75, .69, and .69 respectively, and the corresponding cutoff scores were 68%, 68%, 72%, 69%, and 69%. These resulted in pass rates of 44%, 50%, 34%, 30% and 58% respectively. In our sixth administration, that of October 2002, the Angoff rating was .69, the cutoff score 68%, and the pass rate only 17%. This particular examination was composed of 25 questions and taken by 54 candidates. All but one of these questions had been used in one of the first four exam administrations and so had been through the previously described analyses. The twenty-fifth question was a new question relating to property descriptions. After much thought and analysis by each of the groups mentioned, the conclusion was reached that the group of candidates for this administration of the exam was not properly prepared. This could have been through lack of experience or education or from a failure to comprehend the depth of the question asked.

The two areas of poorest performance of the areas addressed in this examination were those of General Land Office Surveys and of use of the Washington State Plane Coordinate System. Knowledge of GLO surveys and how to retrace them should be basic to any surveyor practicing in any of the Public Land Survey System states. Almost all of our retracement surveys relate to this including the out boundaries of platted land. Similarly, use of the Washington Coordinate System is constantly becoming more important to surveyors in this state as we continue to rely more and more heavily upon published coordinates obtained through GPS, and use this tool in our own surveying projects. The surveyor must realize that the Washington State Plane Coordinate System is actually the projection of a curvilinear three dimensional figure onto a horizontal plane, and must be able to define the relationship between these two figures at any point in either direction.

OVERVIEW OF QUESTIONS AND RESPONSES

We will now discuss those questions and answers dealing with those two areas. Please keep in mind that while we test for minimum competence, a term often treated with minimum regard for competence, what we really mean by that term is that the successful candidate must demonstrate minimum competence to provide proper surveys on his own to his own clients. Also, would you please indulge me in my use of "he" and "his" in this discussion rather than "he/she" and "his/her". No disrespect is intended, but I find consistent

use of that latter terminology distracting and fear that its insertion might also prove distracting to you.

GLO RETRACEMENTS

The first GLO question was number 3 on this exam. It asked for the proper method to re-establish a lost section corner, which lay along a sectional correction line. The correct answer was **by single proportion between the closest corners on the sectional correction line**. This question received the best response among the GLO questions with 67% of the candidates answering it correctly. Only six percent of the candidates chose a double proportion answer. (Sectional Correction Lines are discussed in the manual at 3-40, 3-61 to 3-63, and 3-65)

The second question on this subject, no. 9, involved the method of re-establishment of a quarter corner with the two adjoining section corners recovered. The line had been subject to a GLO retracement survey. The correct answer, **single proportion related to the retracement data**, was chosen by 45% of the candidates, while 38% chose to relate to the original survey.

The third question, no. 13, showed a fractional section with all of the exterior corners found. All bearings, distances, and coordinates were given. The problem was to calculate the center of section coordinates and pick it from the four coordinate pairs given as possible answers. 47% of the candidates picked the right one.

Question 16, the fourth in the group, related to another fractional section with the west line of the section ending at a lost meander corner north on the quarter corner and the east line of the section ending a little north of the southeast corner. The question was how to determine the direction of the east-west centerline. 38 % of the candidates chose the correct answer, **a line parallel with a straight line between the southwest and southeast corners of the section**, but another 38% **chose to bend the line parallel to the south line through the south quarter corner**, while the remaining 24% were divided between **due east by astronomic observation** and **at 90° to the west section line**.

The fifth, and last GLO question, no. 21, seeks the best method to reestablish a meander line for which the two meander corner locations are known. 13% of the candidates chose the proper method, **running the meander line on a true meridian and then adjusting to obtain closure by the compass (Bowditch) rule**, while the remaining 87% guessed at several variations of the swing method.

STATE PLANE COORDINATES

The first State Plane Coordinate question, no. 7, was answered correctly by 64% of the candidates, but it should

have been a very simple question since it only inquired about the size of grid scale factors within the area between the standard lines. The choices were **less than 1.0, greater than 1.0, equal to 1.0, or depends on the elevation**. While 64% chose the correct first answer, that left 36% to guess between the other three; 2/3 of them, obviously not aware of the difference between a grid scale factor and a combined scale factor, choosing the **dependent on elevation** answer.

The only other question on State Plane Coordinates was no. 14, which had to do with the establishment of the position of a lost section corner. The stem of the question explained the procedure for such an establishment, gave the coordinate values of the north/south proportioned point and of the east/west proportioned point, gave the latitude and longitude of the corner proximity and the mapping angle at that point and asked the candidates to calculate the corner coordinates and pick their match from amongst the four listed coordinate pairs. 62% of the candidates incorrectly picked the answer one would get if one assumed the two section lines ran north/south and east/west. Since the given mapping angle is negative (- 1°22'36") the proper position must lie north and West of the last described bad pick. The proper answer is the only coordinate pair offered that meets these criteria. You need not even calculate the coordinates to recognize the correct answer, which was picked by only 13% of the candidates.

REMEMBER

Even though many practicing surveyors and those under their supervision do not have regular opportunity to apply the principles of GLO and State Plane Coordinates systems like discussed in this article, every candidate for licensure must understand the correct use of these principles.

THE BOARD URGES ALL SURVEYORS WHO ARE SUPERVISING POTENTIAL PLS CANDIDATES TO:

1. Be careful about attesting to those skills referenced as **a) through f)** in the second paragraph of this article.
2. See that each potential candidate whom you supervise **HAS A COPY OF THE MANUAL OF SURVEYING INSTRUCTIONS AND** its companion booklet **LOST AND OBLITERATED CORNERS** and becomes **INTIMATELY FAMILIAR** with these books.
3. See that they receive proper tutoring in these subjects.

Investigations & Enforcement

Statistics of Disciplinary Actions Taken by the Board from July 1, 2002 through December 31, 2002

Active investigations as of July, 2002	53
Complaints Opened for Investigations	25
Investigations Closed	26
Active Investigations as of December 31, 2002	52

Summary by Month:

	Complaint Received	Investigations Opened
July	10	10
August	10	8
September	4	1
October	No Meeting	
November	7	6
December	No Meeting	
Totals	31	25

Summary by Profession as of December 31, 2002

	Active Investigations	Compliance Orders
Prof. Engineers	23	2
Prof. Land Surveyors	16	5
Unlic. Engineers	1	1
Unlic. Land Surveyors	8	1
On-site Designers	4	0
Totals	52	9

SUMMARIES OF INVESTIGATIONS AND ACTIONS BY THE BOARD

In the following case summaries you will read of the disciplinary actions against licensees from July 1, 2002 to December 31, 2002. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving a Board order, each licensee will be monitored for compliance.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Compliance Officer, John Pettainen, at (360) 664-1571 for full details.

FORMAL ACTIONS:

Engineering Practice

Howard W. Fleege, PE, Case No. 98-12-0001

This investigation was initiated due to a complaint that alleged Mr. Fleege offered to perform engineering services in a misleading manner as he represented himself as the president of a defunct corporation, failed to complete the project he was retained to perform, and did not timely communicate with his clients. In addition, through the course of the investigation, Mr. Fleege failed to respond to the Board's inquiries regarding the matter.

The case manager found the licensee's behavior unacceptable and contrary to acceptable professional conduct. Based upon that conclusion, the case manager authorized the issuance of Statement of Charges, however, since this appeared to be an isolated incident, a settlement opportunity through a Stipulated Findings of Fact, Conclusions of Law and Agreed Order ("Agreed Order") was also offered. Mr. Fleege accepted the settlement offer, which included a \$500 fine and completion of the Washington State Law and Ethics (take home) examination.

Land Surveying Practice

Jack Bolton, PLS, Case No. 98-01-0004, 99-08-0006, 99-09-0008, 99-11-0005,

The Board's investigation of Mr. Jack Bolton was prompted by three complaints that raised allegations of survey errors, as well as, failures to record a survey, complete projects, and communicate with clients. As a result of the investigations, a statement of charges was issued alleging multiple counts of failing to comply with survey standards. An administrative hearing was scheduled for June 26 and 27, 2002, however, prior to the hearing date, a settlement was reached through a Stipulation and Agreed Order. Mr. Bolton, through the settlement agreement, surrendered his license to practice as a professional land surveyor with no option of applying for a new license. Mr. Bolton completed the requirements of the order.

James Conner, PLS, Case No. 01-11-0002

James Conner, PLS was the subject of a formal hearing on August 14, 2002. The hearing was the result of a statement of charges issued by the Board June 19, 2002 concerning his practice as a professional land surveyor. Said charges alleged that Mr. Conner failed to show encroachments on survey documents, failed to record a survey within the time frame required by law and, failed to respond to Board inquiries during the investigation. As Mr. Conner did not respond to the charges, the hearing was held by default and resulted in a Findings of Fact, Conclusions of Law and Default Order signed by the Board chair on August 16, 2002. Said order suspended Mr. Conner's license to practice as professional land surveyor for one year. The suspension was stayed for a period of up to one year pending completion of an ethics course and payment of a \$2,000 fine. If Mr. Conner fails to complete either of these conditions, the stay shall be lifted and the suspension imposed.

Craig S. Hansen, PLS, Case No. 98-07-0002

This investigation was initiated based on a complaint concerning Mr. Hansen's activities related to two (2) Large Lot Subdivisions he performed in 1997. Allegations within the complaint included trespassing concerns, failure to accept the long recognized fence line as a common boundary, failure to show known encroachments on his survey maps, failure to disclose true acreage to various agencies, and failure to record a survey. In addition, during the course of the investiga-

tion Mr. Hansen failed to timely respond to the Board's inquiries regarding the matter.

While several of the allegations were proven unfounded or were outside the Board's jurisdiction, the case manager found that the filed survey maps did not show encroachments and no adequate explanation was provided as to why Mr. Hansen did not respond to multiple requests for information. Based upon that conclusion, the case manager authorized the issuance of a statement of charges, and a settlement opportunity through a Stipulated Findings of Fact, Conclusions of Law and Agreed Order. Mr. Hansen accepted the settlement offer, which included a one-year suspension, stayed, pending payment of a \$500 fine, completion of the Washington State Law and Ethics (take home) examination, and filing an amended record of survey of the affected property. Mr. Hansen has completed the terms of the Agreed Order.

Charles Haviland, PLS, Case No. 98-07-0003, 99-08-0005, 02-01-0004

The Board's investigation of Mr. Charles Haviland was prompted by three complaints that raised allegations of survey errors. After review of the investigative files, the case manager found a number of shortcomings in the surveyor's work and maps prepared, including lack of information on the basis of his decisions, failure to show locations of existing features and incomplete explanations for the analysis and justification of assumptions. As a result, the case manager authorized the issuance of a statement of charges alleging multiple counts of failing to comply with survey standards. In conjunction with the charge documents, a settlement opportunity was also offered. Terms set forth in this settlement include a one-year suspension, stayed, pending payment of a \$1000 fine, completion of the Washington State Law and Ethics (take home) examination, and filing an amended record of survey for two properties previously surveyed. Mr. Haviland accepted the settlement offer. Mr. Haviland has completed the terms of the Agreed Order.

INFORMAL ACTIONS:

Engineering Practice

Case No. 01-09-0002

The Board's records disclosed that a corporation, after submitting a renewal fee for the firm's Certificate of Authorization, had failed to maintain their active corporate status with the Secretary of State. Through several communications conducted by telephone and mail, the Board's licensing staff and compliance officer were unable to obtain any response or information concerning whether the corporation is currently conducting engineering work in Washington. It was determined that the corporation was not conducting engineering in Washington nor has the firm conducted any engineering activities for the last several years.

Case No. 02-07-0001

In this complaint it was alleged that a PE, residing in another state, was using a rubber stamped signature on engineering documents. The PE did not dispute the allegations but claimed a lack of knowledge of Washington State laws related to this issue. He advised the board that preventative measures were being taken to be sure that all future documents submitted in the state of Washington would contain his original signature.

While concern was raised about the lack of knowledge of Washington law and rules, it appeared the conduct was unintentional and the PE was taking preventative measures to avoid a reoccurrence of this type of situation. The Practice Committee recommended that a case file be created to maintain a record of this action and that the PE be provided with a copy of Washington State laws and regulations related to the sealing and stamping of engineering documents.

Case No. 02-07-0008

This investigation was initiated due to the review of a Stipulated Agreement entered into by the Nevada Board and a Washington professional engineer. Within this agreement the PE acknowledged that he performed engineering activities outside his area of competence, stamped plans over which he did not have responsible charge and failed to sign/date his plans. Under the agreement's terms the licensee received a reprimand, \$1,000 fine and was required to successfully pass the "Nevada 24 Question Law Exam."

In their review of this matter, including information from the PE, the Practice Committee concluded

the infractions were based on an isolated incident. Given that the Nevada Board has resolved their concerns and no complaint has been filed concerning the PE's engineering activities in Washington, no further action was taken.

Case No. 99-11-0007

The Board, after review of a letter inquiring about a firm's business activities, opened an investigation to obtain additional information to determine whether those activities related to the offering and/or performing of land surveying. Information received during the investigation, resulted in additional concerns on whether the firm was also offering engineering services in this state without a Certificate of Authorization. After review, it appeared to the case manager that the firm was engaged in the collection of data for and/or mapping of manmade features to show their relative positions and elevations by use of GPS/GIS methods. It was his belief that these activities fall under the definition of land surveying. While the case manager initially recommended that further disciplinary action be pursued, subsequent information provided by the firm disclosed that the firm's project office located in Washington is closed.

In regards to the firm's engineering activities in Washington, the engineering activities were performed for the federal government and the firm was not required to obtain registration with the Board due to the federal exemption. While the firm disputes that their GIS activities are considered land surveying, information was provided stating the firm subcontracted the photo-control portion of the project to companies that were licensed in Washington.

Case No. 00-11-0003

This investigation resulted from a complaint from an engineering firm's legal counsel alleging that an individual misrepresented his credentials as a professional engineer. Allegations included the individual claiming to hold a license from the Board, on his job application and resume, and signing documents on behalf of the firm as a professional engineer. While the firm terminated the individual, the complaint was filed to notify the Board of this matter without asking for a specific remedy.

The investigation found the individual is licensed as a structural/civil engineer in Germany but has not applied for registration in Washington and the PE

license number provided on his employment application was actually the individual's National Society of Professional Engineers (NSPE) membership number.

Under the circumstances the case manager concluded the Board has no jurisdiction in this matter as the individual is not licensed/registered with the Board and the false resume' is a civil matter between the firm and the individual. The case manager recommended the case be closed with NSPE being notified of the individual's license status in Washington. It was further recommended that if the individual submits a license application that all information be thoroughly reviewed.

Case No. 01-01-0005

This complaint was initiated by the Board based on an inquiry questioning an individual's status as a professional engineer and the use of the credentials "P.E." on business cards. Board records showed the individual was not licensed as a professional engineer. The case manager recommended the case be referred to the county prosecutor.

Land Surveying Practice

Case No.01-08-0001

This investigation was initiated by a complaint alleging that a 1982 record of survey prepared by a professional land surveyor failed to disclose known encroachments along the complainant's southern boundary line. Said survey was used as an exhibit in a 1998 adverse possession civil action against the complainant's southern adjoiner. The complainant claimed the PLS's failure to show the encroachments led the Judge to define the common property line erroneously and has created further boundary line problems. It was further alleged that the same surveyor was also hired to perform the survey of the court-defined line and that this survey, recorded in January 2001, also failed to show the known encroachments. During the investigation the surveyor filed an amended record of survey and submitted a copy to the Board. The case manager found the survey satisfactory.

Case No. 99-09-0006

The Board opened this investigation after receiving a letter questioning whether a firm's business activities related to the offering and/or performing of land surveying. Review by the case manager concluded the

firm was engaged in the collection of data for and/or mapping of manmade features to show their relative positions and elevations. It was his belief that these activities fall under the definition of land surveying. While the case manager initially recommended that disciplinary action be pursued, subsequent review of various state agency records and contact with the parent company of the firm disclosed the firm is out of existence and ceased operations in 2000.

Case No. 00-09-0001

This investigation was initiated due to a complaint from a property owner that alleged a PLS failed to complete and/or record two record documents. Said documents included a 1993 record of survey and a 1997 Boundary Line Adjustment form that had been rejected by a city official for numerous "errors and omissions." Through the course of the investigation, the PLS completed and recorded said documents.

Case No. 01-06-0001

This investigation was initiated by a complaint from a professional land surveyor alleging that an individual performed unlicensed land surveying activities. The individual was previously licensed with the Board as a professional land surveyor, however, as the result of a prior Board Order that license was suspended. The complainant claimed he found a rebar bearing the individual's survey cap in a position conflicting with the boundary of a survey project he is currently performing and that no record of survey had been recorded. It was further alleged that he was unable to locate the individual to discuss this matter.

In reply, the individual stated while he did do some preliminary survey work in the area the rebar was found, the project was placed on hold in 1994 and he has had no further contact related to the matter. The individual also claimed that he has neither owned a survey firm nor worked as a professional land surveyor since 1997 when his license was suspended and to his knowledge, none of his caps have been stolen. The case manager found the available evidence did not support the allegations made.

Case No. 02-07-0002

This investigation, prompted by a complaint from a property owner, alleged that a record of survey prepared and recorded by a PLS failed to address key issues such as deed calls, etc. Prior to the opening of

the investigation, the PLS contacted Board staff and indicated that he was reviewing his survey. As a result of this review, the PLS initiated the effort and remedied the problem by preparing an amended record of survey. A review of the ROS concluded that it appeared to meet the requirements of state law and the issues presented in the complaint were addressed.

Case No. 02-03-0004

This investigation was initiated by the Board concerning the activities of a professional land surveyor in connection with a Vancouver, Washington survey and his working relationship with an Oregon engineering and surveying firm. It was the case manager's opinion that the available evidence did not support the allegations made. It appeared the survey was completed, properly sealed, signed and recorded.

Case No. 02-07-0010

This Board generated investigation was opened after receipt of an advertisement by a real estate sales person offering to locate and/or locating corners for property owners. The Board expressed concern that this offering may fall under the definition of land surveying. In reply, the respondent stated he does not make claims that he knows where property corners might be, but when he does find a stake he tells the property owner it may be a corner and he recommends to the property owner that they consult with a professional land surveyor.

The case manager found no evidence to support further action by the Board. As the individual is not licensed with the Board, in his opinion, the activities of the real estate sales person did not rise of the level of pursuing a more formal action such as referral to the county prosecutor for possible criminal action.

Case No. 02-08-0006

This investigation was one of three investigations opened by the Board to determine who performed what activities in connection with a survey performed by a firm. The investigations were opened due to a complaint received from a property owner who alleged the survey performed of her property by the firm located the common boundary between her property and that of her adjacent neighbor approximately 11' east of the correct location. The survey showed the seal of the PLS involved in this investigation. In response, the PLS claimed he was not an employee of

the firm at the time the survey was performed and that the firm had an electronic copy of his seal on file. He did not know how or why his seal was placed on the survey map. After review of the investigation file, it was the case manager's opinion that the available evidence did not support further investigation of this matter.

On-Site Wastewater Treatment System Designer Licensee/Practice Permit Holders.

Case No. 02-07-0009

This investigation was prompted by an inquiry that asked whether site drawings submitted to a local jurisdiction by an individual, not licensed as a professional land surveyor, constituted the practice of land surveying. Said drawings showed dimensions, road locations, corner locations, etc. generally affiliated with survey activities and/or documents. In response, the individual denied he performed land surveying claiming that he is an on-site practice permit holder and the county requires the information provided on the site plan drawings. He further claimed that the county provided the information shown. It was the case manager's opinion that available evidence did not substantiate the allegations. However, he did note that if the respondent had provided a similar explanation on his drawings, this matter may have been prevented.

Case No.01-11-0003

This investigation was opened based on a complaint that alleged an on-site practice permit holder failed to complete a site residence feasibility study and waste water system design of the complainant's property. Also alleged was that the preliminary design that he did prepare contained numerous errors. It was the case manager's opinion that the evidence did not substantiate the allegations. It further appeared that subsequent to completion of the initially requested design, there was a substantial change in the project design basis (house plan change from four to five bedrooms) and the issues presented, related to the additional work required, and was a contract dispute outside the jurisdiction of the Board.

Schedules

Examination Schedule

FALL – 2003 ADMINISTRATION

Examination	Type	Examination Date	Application Deadline
Agricultural, Chemical, Civil, Control Systems, Electrical, Environmental, Fire Protection, Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Mineral, Nuclear, Petroleum, and Structural II Engineering	NCEES	Friday October 24, 2003	Tuesday June 24, 2003
Forest Engineering	State	Friday October 24, 2003	Tuesday June 24, 2003
Land Surveying (6-hour)	NCEES	Friday October 24, 2003	Tuesday June 24, 2003
Land Surveying (2-hour)	State	Friday October 24, 2003	Tuesday June 24, 2003
Fundamentals of Engineering	NCEES	Saturday October 25, 2003	Wednesday June 25, 2003
Structural III	State	Saturday October 25, 2003	Wednesday June 25, 2003
On-site Wastewater Designer / Inspector Certification	State	Saturday October 25, 2003	Friday July 25, 2003

SPRING – 2004 ADMINISTRATION

Examination	Type	Examination Date	Application Deadline
Architectural, Chemical, Civil, Electrical, Environmental, Mechanical, Naval Architect/Marine, Structural II Engineering	NCEES	Friday April 16, 2004	Tuesday December 16, 2003
Land Surveying (6-hour)	NCEES	Friday April 16, 2004	Tuesday December 16, 2003
Land Surveying (2-hour)	State	Friday April 16, 2004	Tuesday December 16, 2003
Fundamentals of Engineering Fundamentals of Land Surveying	NCEES	Saturday April 17, 2004	Wednesday December 17, 2003
On-Site Wastewater Designer /Inspector Certification	State	Saturday April 17, 2004	Monday January 19, 2004

2003 Calendar of Events

May

7-8	Committee & Board Meeting	<i>La Quinta Inn, Tacoma</i>
15-17	NCEES Western Zone Meeting	<i>Red Lodge, Montana</i>

June

25-26	Committee & Board Meeting	<i>La Quinta Inn, Tacoma</i>
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July

29-30	Committee & Board Meeting	<i>La Quinta Inn, Tacoma</i>
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August

13-16	NCEES Annual Meeting	<i>Baltimore, MD</i>
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September

17-18	Committee & Board Meeting	<i>TBD</i>
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October

24-25	Exam Administration	<i>TBD</i>
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November

5-6	Committee & Board Meetings	<i>TBD</i>
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December

17	Practice Committee	<i>TBD</i>
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Board of Registration for Professional
Engineers and Land Surveyors
P.O. Box 9025
Olympia, WA 98507

